

REMARKS

In the March 8, 2007 Final Office Action (“Final Office Action”) issued for the above application, the Examiner noted that claims 1, 2, 4, 5, 17, 21, 23, 24, 27, 35, and 36 were pending in the application. By this amendment, claims 35 and 36 have been amended. Therefore, claims 1, 2, 4, 5, 17, 21, 23, 24, 27, 35, and 36 are still pending in the application. The amendments to the claims are fully supported by the specification and do not add any new matter to the application.

In the Final Office Action, the Examiner rejected claims 1, 2, 4, 5, 17, 21, 23, 24, 27, 35, and 36 under 35 USC §103(a). On May 7, 2007, Applicant filed a response to the Final Office Action (“Applicant’s Response”) and on May 17, 2007, the Examiner issued an Advisory Action. Applicant responds to the Advisory Action below.

Interview Summary

Applicant would like to thank Examiner Luu for the courtesies extended during the interview conducted between Examiner Luu and Gregory M. Smith on July 10, 2007. The remarks made by Examiner Holzen in the Advisory Action issued on May 17, 2007, were discussed. No agreement was reached as to any of the pending claims in the application.

Claim Rejections – 35 USC §103(a)**1. Hosick in view of van Bezooijen (Claims 1, 2, 4, 5, 21, 27, 35, and 36)**

In the Final Office Action, the Examiner rejected claims 1, 2, 4, 5, 21, 27, 35, and 36 under 35 USC §103(a) as being unpatentable over Hosick (US Patent No. 6,032,904) in view of van Bezooijen (US Patent No. 5,745,869). In Applicant’s response, Applicant submitted that claims 1, 2, 4, 5, 21, 27, 35, and 36 are patentable over Hosick in view of van Bezooijen.

A. Claims 1, 2, 4, 5, and 21

As for independent claim 1 (and claims 2, 4, 5, and 21, which depend from claim 1), in Applicant's Response, Applicant submitted that neither Hosick nor van Bezooijen discuss or suggest "software that determines the attitude of the spacecraft during both transfer orbit operations and on-station operations based solely on the input received from one of the plurality of sensors" as recited in independent claim 1. Therefore, even if such a combination as Hosick and van Bezooijen were made, which Applicant does not concede is proper, the purported combination still would be missing at least one element recited in claim 1. See Applicant's Response at ¶¶2-9.

In the Advisory Action, the Examiner's response to Applicant's remarks was that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Applicant respectfully submits that the references cited by the Examiner were not addressed individually. As can be seen above and in paragraph 6 of Applicant's response, Applicant submits that the combination of Hosick and van Bezooijen would be missing the "software..." element of independent claim 1. Therefore, Applicant respectfully requests withdrawal of this rejection.

In the Advisory Action, the Examiner also noted some confusion regarding paragraphs 6-9 of Applicant's Response, stating that there was no identification of any elements or limitations Applicant was referring to. Applicant submits that paragraphs 7-9 of Applicant's Response were not separate remarks but were a continuation of the remarks made in paragraphs 2-6, discussed above.

B. Claim 27

As for independent claim 27, in Applicant's Response, Applicant submitted that neither Hosick nor van Bezooijen discuss or suggest "software that determines the attitude of the spacecraft during both transfer orbit operations and on-station operations based solely on the input received from one of the star trackers" as recited in independent claim 27. Therefore, even if such a combination as Hosick and van Bezooijen were made, which Applicant does not concede is proper, the purported combination still would not reflect all of the elements recited in claim 27. See Applicant's Response at ¶10.

In the Advisory Action, the Examiner's response was again that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Applicant respectfully submits that the references cited by the Examiner were not addressed individually. As can be seen above and in paragraph 10 of Applicant's response, Applicant submits that the combination of Hosick and van Bezooijen would be missing the "software..." element of independent claim 27. Therefore, Applicant respectfully requests withdrawal of this rejection.

C. Claims 35 and 36

As for independent claim 35, in Applicant's Response, Applicant submitted that neither Hosick nor van Bezooijen discuss or suggest an "attitude sensor set consisting of at least one star tracker" and "software used for both transfer orbit and on-station attitude determination using solely the input from the attitude sensor set" as recited in independent claim 35. Therefore, even if such a combination as Hosick and van Bezooijen were made, which Applicant does not concede is proper, the purported combination still would not reflect all of the elements recited in claim 35. See Applicant's Response at ¶11. Similarly, for independent claim 36, Applicant

submitted that neither Hosick nor van Bezooijen discuss or suggest an “attitude sensor set consisting of at least one star tracker and at least one gyro device” and “software used for both transfer orbit and on-station attitude determination using solely the input from the attitude sensor set” as recited in independent claim 36. Therefore, even if such a combination as Hosick and van Bezooijen were made, which Applicant does not concede is proper, the purported combination still would not reflect all of the elements recited in claim 36. See Applicant’s Response at ¶12.

In the Advisory Action, the Examiner recognized that the transitional phrase “consisting of” used in claims 35 and 36 was a closed-ended transitional phrase. However, the Examiner pointed out that the phrase “at least one” used in these claims was open ended. Therefore, the Examiner asserted that the “consisting of” language does not limit the claims to having only a single star tracker. Since none of the references cited by the Examiner in the rejection of claims 35 and 36 contained more than one star tracker, Applicant presumes that this statement by the Examiner was not meant as a prior art rejection, but rather was meant as a statement regarding the definiteness of claims that contain both closed-ended and open-ended transitional phrases. In response to the Examiner’s comments, Applicant has amended claims 35 and 36.

2. Hosick in view of Boeing 702 Fleet (Claim 17)

In the Final Office Action, the Examiner rejected claim 17 under 35 USC §103(a) as being unpatentable over Hosick in view of the Boeing 702 fleet.

In Applicant’s Response, Applicant submitted that claim 17 is patentable over Hosick in view of the Boeing 702 fleet because claim 17 depends from independent claim 1 and neither Hosick nor the Boeing 702 fleet discuss or suggest “software that determines the attitude of the spacecraft during both transfer orbit operations and on-station operations based solely on the

input received from one of the plurality of sensors” (emphasis added) as recited in independent claim 1. Therefore, even if such a combination as Hosick and the Boeing 702 fleet were made, which Applicant does not concede is proper, the purported combination still would not reflect all of the elements recited in claim 17. See Applicant’s Response at ¶¶15-16.

The Examiner did not address Applicant’s remarks in the Advisory Action.

3. Hosick in view of Baghdasarian (Claims 23 and 24)

In the Final Office Action, the Examiner rejected claims 23 and 24 under 35 USC §103(a) as being unpatentable over Hosick in view of Baghdasarian (US Patent No. 6,010,096).

In Applicant’s Response, Applicant submitted that claims 23 and 24 are patentable over Hosick in view of Baghdasarian because claims 23 and 24 depend from independent claim 1 and neither Hosick nor Baghdasarian discuss or suggest “software that determines the attitude of the spacecraft during both transfer orbit operations and on-station operations based solely on the input received from one of the plurality of sensors” (emphasis added) as recited in independent claim 1. Therefore, even if such a combination as Hosick and Baghdasarian were made, which Applicant does not concede is proper, the purported combination still would not reflect all of the elements recited in claims 23 and 24. See Applicant’s Response at ¶¶17-18.

The Examiner did not address Applicant’s remarks in the Advisory Action.

Conclusion

In view of the aforesaid, Applicant respectfully submits that claims 1, 2, 4, 5, 17, 21, 23, 24, 27, 35, and 36 are in condition for allowance and a Notice of Allowance for these claims is respectfully requested.

Respectfully submitted,

Dated: July 31, 2007

By: /Gregory M Smith/
Gregory M. Smith
Reg. No. 43,136
Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Suite 3000
Chicago, IL 60606
P: 312-201-2825
F: 312-416-4610
gsmith@wildman.com